

MAIN FEATURES OF THE CRIMINAL PERSONALITY, SUBJECTIVE CAUSES OF THE CRIMES

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1. The Awareness of the Offender

In the light of experiences gained from criminological research each intentional crime is in direct causality relationship with some kind of anti-social view/s) or attitude/s) that are harmful to the society. (The term "antisocial" is not used here in a sense that the attitude would be opposed to the political system of any society; it is rather adopted as a synonym of the terms: "harmful to the society", "dangerous for the society"). In the decision taken prior to the commitment of an offence the attitudes or views listed above gained the upper hand as against the motives of one's duties in the struggle of motivations — if motives associated with one's duties arose at all. *The inappropriate views or attitudes constitute the subjective causes lying behind an offence, which, in the event the necessary objective conditions prevail, are manifested in an offence.*

It is practically impossible to list all the views and forms or kinds of attitudes that might lead to a criminal decision taking in case relevant necessity arises. Nevertheless it is worth enumerating the most general ones: a selfish, grabber's, too introvert and unsociable an approach to life, anti-society views or attitudes concerning labour, the family, the life, corporal integrity or property of other people. To formulate in general terms: the offender does not recognize social interest or one or another of its forms or manifestations as being identical with the individual (his. own). interest. This can find expression in several forms: 1. the offender violates the norms of criminal law because he disapproves of the declaration of individual protected interest as social interest; 2. although he recognizes the necessity of social norms, he feels that adjustment to them is a compulsion and believes that he can deviate from them in areas where he does not have to reckon with the criminal sanctions likely to be applied; 3. in the course of satisfying his own requirements he consciously takes a position opposed to the expectations of the society and by doing so undertakes the risks of possible unfavourable consequences under the criminal law; 4. he was brought up under criminogen conditions and this is what he considers to be a natural way of life.

People's views and their attitudes have a fundamental role to play in directing their day-to-day activities.

On the basis of *attitudes* and objectives several categories can be established. Some of the people belong to the category in which they elaborate a definite *long term plan for the way of life* by taking into consideration the social tendencies and possibilities. And this plan sets out the framework for their activities. Considering their content the objectives of the above nature can be quite different. Under conditions of private property system for the way of life are based on the awareness that it is *the individual* himself who has to fight and ensure social, property security and his certainty of existence, in other words existential security. Under the conditions of socialism, however, the overwhelming majority of people are aware of the fact that their existential security is provided by the state and the prevailing conditions of the society and the circumstances of the satisfaction of their needs are determined by the material position of the society as a whole and the increasingly effective existence of the social, political and economic system. That is why the individual is endeavouring, in the course of the drawing up of his plan for the way of life, to bring his individual objectives into harmony with those of the society.

For this reason long term plans of the way of life coincide, as a rule, with the demands of the society and the tendencies of social development. Of the people having this kind of long term plan of the way of life at their disposal only those commit an offence who set a criminal way of life and a life form or style running counter to the social demands as their objective, or those who have been prompted by very intensive incidental temptation to satisfy their needs in a way counter to the law.

There are also individuals *failing to possess long term plans for their way of life*: instead, they are concerned only with the present, that is to say, they adjust themselves, in general, to the given frameworks of a society and satisfy their demands always within the limits and scope of the prevailing society, but they do not or are reluctant to reckon with the expected social development. The attitudes displayed by the people of this bracket are largely influenced by the prevailing objective circumstances (in other words, the existing situation). Whether their attitude is a positive or a negative one is dependent, primarily on the environment in which they live.

Finally, there are people *guided by completely selfish objectives which entirely ignore the interests of the society*. This category is extremely dangerous to the society because it includes the notorious offenders, vagrants and the parasites or exploiters of the society.

Man's *world outlook and moral conviction* are the other essential components of the general attitude of the personality, in addition to his endeavours and objectives. World outlook and moral conviction can be termed as the intellectual and emotional position taken by an individual and which, in the event of appropriate firmness of character, consistence and determination in the different affairs, can be the guidelines of one's behaviour. A materialist or Marxist world outlook makes it possible for the individual to understand the correlations between the conditions prevailing in the society which, in turn, enables him to accommodate his behaviour to the system of the fulfilment of the demands of the society.

It must be emphasized, however, that knowledge of the correlations between the conditions prevailing in the society and of the demands posed by the society alone are far from being satisfactory. For example, if one is knowledgeable of, say, for instance, the role played by social property may well commit an offence at the expense of social property. The components of one's world outlook can only assume the character of a scale with which the behaviour required by the society can be measured if they are combined with conviction, if they are motivated by emotions, in other words, in case the individual concerned considers the application and enforcement of these components to be in his own interest. In this case social interest will assume the nature of and will be manifested as an individual interest and the views and ideas will thus become the fundamental force driving and gearing one's practical activities.

The overwhelming majority of the people, however, *fail to possess the kind of world outlook* described above. Today it is comparatively frequent to occur that there is a world outlook different from or diametrically opposed to Marxist world outlook concealed behind an offence and this serves as the compass of the attitude which runs counter to the socialist society. However, it is more frequent a case that knowledge of the correct views and requirements associated with the socialist society can be found concealed behind the criminal attitude of the offender, but at the same time he does not have appropriate moral conviction and, as a result, the satisfaction of the individual interests can be given priority at the expense of the interests of the society.

Distinction must also be made between the individual in respect of *the dimensions of and extent to which their attitude is opposed to the society*. There are people whose system of world outlook as a whole is opposed to the society and, for that matter, their objectives are dominated by negative views and ideas and so are their relations with the demands of the society. In this case we are faced with an anti-social attitude which, as a rule, is opposed to the society and will inevitably lead to criminal behaviour and a criminal way of life. In the case of other people, however, the anti-social views constitute only a certain proportion of the totality of their system of views and awareness. With people of this kind the fact whether they commit an offence or not is dependent on the nature of views to which the current and motivating endeavours and objectives are attached, in other words whether or not the views necessary for achieving the objective set contain anti-social elements. There are also cases in which the offender is *not aware of the fact that his attitude is opposed to the society*, that is to say he will subjectively believe that his behaviour, in general, is guided by the adjustment to the interests of the society even in the concrete cases of offence. It may also occur that the social, political, economic and ethical views have come to be distorted in the mind of the offender as a result of the absence of the necessary abilities, cultural standards, comprehension or consideration. In cases of this kind the offender's attitude will run counter to the interests of the society even if he wishes to meet interests believed to be those of the society and being of a positive nature emotionally. This

sort of attitude will thus violate the prevailing social conditions (for example, abuses of power thought to be in "public interest").

The distinction made between views harmful to the society and attitudes unfavourable for the society can indicate the extent to which the offender has or has not associated or identified himself with the society, that is to say the content of his personality. That is why it is considered necessary to distinguish between the two stages or forms because we, the people who have not been convicted, may have and in fact can possess anti-social views or those that are harmful to the society. They may well come into the open in the course of the struggle of motivations waged for bringing about an action suitable for satisfying one's needs, but provided the motives assuming the nature of the requirements gain the upper hand in this struggle, no offence will be committed. This is the manner in which the process of decision-making takes place with the overwhelming majority of people for carrying on the day-to-day activities arising from the awareness of responsibility. Attitude, on the other hand, means that the antisocial views predominate the offender's approach forming a sort of system in his mind, or even worse: one or the other of the antisocial view has already become a kind of "skill", cliché or stereotype form and as such it will very often become predominant in the course of the struggle of motivations and will necessarily lead to committing a crime in case conditions for it have been created or brought about. This sort of antisocial attitude is, as a rule, characteristic of the notorious or dangerous offenders. It must be added, however, that even people of this kind can have and they in fact possess views that are accepted by the society (for example, aiding the parents, children or the weaker section of the people) and which may form a basis on which their awareness can be remoulded.

Antisocial attitude is a lasting characteristic of the personality. In other words this attitude means that the antisocial views maintained by an offender have a major role to play in decision-making over a long period of time and their manifestation in the antisocial approach has become customary. This state of affairs is reflected in the terms: "dangerous offender" or "notorious offender".

Considering the offences from the platform the subjective causes lying behind offence or from the level representing the extent to which the offender's personality has become associated with the society it can, in general, be stated that *the reason for people committing an offence is that they possess a kind of anti-social attitude or view which is harmful to the society; in addition the satisfaction of a concrete requirement is associated with this attitude and the circumstances necessary for the offence are either prevailing or they have been brought about; moreover the motives or sense of responsibility do not work or they are on the losing end in the struggle of motivations.* The reply to the question of why offenders generally reveal this particular form of their anti-social attitude is that the concrete requirement that arises coincides with the anti-social views or attitude which play a role in taking a decision on the satisfaction of a demand. It could be listed as an example that a person whose anti-social views are connected with social property and the

satisfaction of his material needs but he recognizes and respects the personal liberty of other people and, in general, condemns every form of force used will never resort to using force in seeking a solution to his personal conflicts; he will never commit an offence against another person's life or corporal integrity, but he will lay hands on social property for meeting his material requirements especially in case conditions promoting his action are favourable. Thus he will commit an offence (crime) at the expense of social property.

2. Antisocial Attitude

It appears to be expedient to consider the problem of antisocial attitude in detail in view of the fact that the concept of psychological attitude is gaining increasing ground in psychology and the valuation of the concept is varied concerning its application in criminology.

The concept of anti-social attitude is commonly known and quoted in socialist literature on criminology. In Soviet criminology, for example, this concept is associated above all with *Sakharov* who explained his view relating to the problem in a monograph published in 1960.¹ The same concept has emerged in Hungarian literature as well with the content essentially identical with the one outlined by *Sakharov* but the attitude is interpreted in terms of and limited to the fields of awareness, knowledge and views.²

Most recently an attempt which, in my opinion, is quite successful has been made in Bulgaria for introducing a kind of classification of the types of offenders on the basis of the antisocial attitude of their personality.³ *Fidanov* suggests that "the antisocial attitude of a personality should be regarded as the basis of *lasting* individual offender's attitude".⁴ The term attitude should not be interpreted merely as the one denoting individual antisocial views, habits and emotions, but it also includes "the *complete* guideline of the awareness of the subject, the generalized *position* taken by the personality on the world at large and the general "programme" of action to be followed by the personality in certain situations occurring in life; consequently the point to be meant is not one or another of the elements of the social and psychological character of the personality but its *total system and organization*.⁵

The concept of the antisocial attitude of the personality comes under fire today from several aspects and those voicing criticism are the Soviet criminologists. *Karpec* challenges the foundations of the idea and practice that anti-social attitude can be utilized in criminological analysis at all.⁶ He argues that this has been borrowed by criminology from psychology in quite a mechanical manner; attitude denotes the state of the sphere of unawareness and as such it cannot serve as a means to explain a conscious as an offence.

Karpec is quite right in saying that an offence is a conscious human attitude and as such it is associated with the motives which reach the stage awareness in the personality and psyche of the offender. This, however, does not run counter to the valuation of the content of the realm of aware-

ess. As a matter of fact, in accordance with what is said about unawareness the psychological system includes the emotional elements of the individual, or in our case, of the offender along with his memories, experiences, views and the schemes of his automatic actions which are not present constantly in the mind or in the realm of awareness, but they can be recalled or they "react" or "come into action" simultaneously with the stimuli involved and in this manner they can exert an influence on the direction and content of the related action.⁷ In other words, conscious action is dependent, among other things, on the knowledge, memories and emotional relations that have accumulated in the realm of unawareness, on the manner in which the personality has been conditioned and also on those above listed accumulated factors of which one becomes conscious or of which one becomes "customarily" aware following the current external or internal stimuli. And in case the attitude is basically of an antisocial nature, the manner in which the needs that arise are satisfied will, as a rule, be also of antisocial character. The responsibility-like motives will either not come into play at all, or even if they arise, they are bound to lose against the intensive motives which are of antisocial nature.

I am also of the opinion that the character of the realm of unawareness, whether or not it is of a positive or negative nature has a very significant role to play in human attitudes. Related criminological research has so far supplied ample evidence to prove without any doubt that the unfavourable, antisocial memories, impressions, experiences, views and scheme of behaviour that have accumulated in the course of one's life are responsible for the criminal attitudes displayed necessarily by the dangerous or notorious offenders.

So far antisocial attitudes have been considered from the aspect of *awareness*, which, undoubtedly, narrows down the concept of attitude to a certain extent although the phenomena of awareness have a predominant role to play. Starting out from this point it appears to be more appropriate and correct to speak of the antisocial psychological attitude of the offender or his antisocial attitude to use a simpler term.

Although the term: antisocial attitude refers to a whole system of views, emotions, and habits, it can, nevertheless, be concentrated on specific areas. These areas can be different, for example an anti-regime attitude which is of a political character and as such it is revealed principally in what are termed political offences; then there is the grabber's attitude seeking material benefits by fair means or foul and as such it is the stimulator of offences directed primarily against property; there is also the attitude of parasitic persons and labour evaders who are prepared to commit any kind of offence in order to be able to maintain their parasitic way of life; and finally, there is the category of people with an attitude of a ruffian and ready to act violently. It is most characteristic of the latter category that the people belonging to it are rough, lack a cultured approach to things, ignore the life and corporal integrity of others completely, they take the law in their own hands and, accordingly, they commit acts of violence and violent offences.⁸

3. The Extent to Which Committing an Offence is Necessary or Incidental

It is extremely important to examine anti-social attitude and views in the course of legal proceedings following an offence because jurisdiction which is education-focused can only achieve its objective if the verdict that follows the trial takes into account the offender's personality in addition to considering the seriousness and weight of the offence committed. While establishing the causality scheme it was stated that there are regular and incidental causality factors laying behind phenomena and actions that are bound to occur or to be taken. It follows that some of the causality factors (causes and conditions) necessarily determining the committing of offences are regular while others are incidental. The conclusion has been reached that the regular factor can only be recognized following the examination of a large number of individual cases or a multitude of them. In view of the fact that regularity which is revealed by the phenomena acts as a guideline for our future actions, it is a task of primary importance for criminology as well to make a distinction between the regular and incidental processes and actions.

When viewing a concrete offence, however, such a distinction has no significance whatsoever because it is quite satisfactory in such a case to conclude that the action committed was regularly. The relations between what is regular and incidental are manifested in repetitions in a multitude of cases and in the relations of individuals with other individuals. For this reason the fact whether a concrete offence has been regular or incidental can be determined from the attitude displayed by the offender or from the multitude of his actions. Obviously the totality of the actions of an offender cannot be made to be the object of examinations; that is why it is sufficient to confine the examination to the valuation of attitudes that are accessible. They include, for example, the school report and ranking, relations with the family members, workmates or colleagues and attitude to labour and the forms of their manifestation. *From the totality of the factors listed above or their manifestations the law governing the offender's attitude can be approximately established; in other words it can be concluded whether or not his actions are dominated by views and attitudes corresponding with or running counter to the requirements of the society and whether or not the offence in question can be regarded as regular or rather incidental.* The point whether committing an offence is regular or incidental constitutes one of the paramount characteristics of the offenders. In my opinion, one of the fundamental requirements to be met by criminology is to establish a classification of the offenders on the basis of the above criteria.

Classification of the offenders in the manner described above poses several problems both of a theoretical and practical nature. The categories established as a result are far from being alternative ones meaning that it is impossible to classify each offender into one of the other of the groups. Theoretically it is impossible because the basic fact of whether a criminogen attitude is of regular or incidental nature is not quite clearcut in the case

priate or relevant information the actual regularity of the offender's attitude cannot always be determined doubt even if it lies fairly close to one or the other of the poles in reality. This is responsible for a certain margin of error, namely the offender is never classified into the category to which he actually belongs. It is very scarce to occur that criminogen tendencies (characteristics) are established instead of the sociable ones or vice versa because the information on hand would be so misleading. An error margin accounting for a small percentage should be revealed almost exclusively at the limits of the transitional category. This fault which is inherent in the method of classification, however, cannot render the fundamental value of a classification of this kind unfavourable. While carrying on practical activities the major fault is not related to the fact what has been produced is not perfect but that one is ignorant of or keeps silent about it.

Offenders have so far been distinguished as to whether they have committed offence for the first time or they are recidivists. Although this classification is similar to the one described above it is not identical with the classification based on whether an offence has been necessary or incidental. In particular, this is the case when, besides the criminological concept of a recidivist, the concept in criminal law of a recidivist is also taken into consideration and when it is born in mind that the concept of first time offender is confined, in general, to the category of persons called to account for the first time.

Distinction is also made in criminology between occasional and dangerous or notorious offenders.⁹ This type of classification is very close to the one presented earlier in respect of its content. An offence committed by a notorious offender is the regular or inevitable consequence of the extent to which he has or has not adjusted himself to the society, in other words his *antisocial attitude*. In the case of offenders of this type the criminal decision is motivated above everything else by the essential characteristics of the personality while the objective circumstances (prevailing situation) normally play a role of the conditions. Under unfavourable conditions the offender commits, as a rule, intermediate criminal actions in order to bring about the conditions necessary for carrying out his principal criminal decision.

The offence committed by *occasional* or *incidental* offenders is the consequence of, above all, a situation that has occurred, that is the concrete objective circumstances. This kind of offence is often formulated as being not personality related but situation related offence which is prompted, as a rule, by an opportunity to be taken advantage of or afforded by favourable conditions.

As Soviet criminologist *Leikina* put it: "The above type of offence does not express an antisocial attitude; merely testifies that the offender fails to make an adequately intensive effort to resist the temptation of negative circumstances and confine himself to stay within the frames established by the law."¹⁰

Offences of this type can arise from two kinds of personality regarding the character of the personality's adjustment to the society. One of the

two kinds of personality has reached a stage of adjustment to the society at which it is the general preventive influence of punishment that constitutes an obstacle to the otherwise existing anti-society views to be manifested in committing an offence. The fact that a favourable opportunity has been afforded does not simply mean that an antisocial attitude suitable for satisfying one's requirements can be translated into practical terms without the need for any particular organizing activity or effort to be made; it means first of all that the probability of not imposing a punishment (legal action) is very high and almost certain. In view of the fact that situations of this kind are comparatively scarce and, for that matter, "incidental", offences of this category cannot be regarded, in general, as regular and as such bound to be committed. However, in all the cases in which a person refrains from committing an offence merely for fear of the punishment to follow and not because he has admitted the society's interest to be identical with (his) individual interest, repeated failure to bring him to trial may well render incidental offence a regular one arising from logical necessity.

In connection with the above point *Fidanov* reveals a very stoicing approach when he says in his work referred to earlier that, "a dangerous recidivist used to be an *occasional* offender to a major or lesser extent, a person whose subsequent career progressed so that nonadequate (attention) was paid to it and inappropriate care was taken of it by the socialist society. In this sense the "notorious" "incurable" ill-willed and especially dangerous offenders constitute the specific "fee" which has to be paid by the society for having failed to take the possible and effective measures in good time. The obvious and undoubtedly displayed anti-social attitude that can be detected in the case of some offenders supplies evidence to the effect that a full series of warnings or "signals" concerning the moral and ethical development of people of this kind were not followed with the necessary attention and the reaction to these persons committing incidental offences was not adequate."¹¹

I completely agree with the idea expressed in the above quote and the remark I wish to make is designed to be one of interpretation: the failure to take the "possible and effective" measures is, to a certain extent, necessary since it necessarily coincides with the transitional stage of the socialist society. No doubt, in order to prevent offences the objective social possibilities are available for taking more effective measures than those taken at the moment, but it is an unrealistic assumption that a major decrease will be brought about in criminal acts or that they will be discontinued altogether. The point I wish to emphasize is that at the present stage of the development of our socialist society the possibility is, in general, afforded to take much more effective measures.

A person committing an offence not because the probability of subsequent punishment but because the prevailing situation is extremely prompting or tempting can also be regarded as one committing *occasional* or incidental offence. Under the day-to-day or customary living conditions motives related to one's responsibilities and views corresponding to the de-

mands of the society guide the decisions taken to satisfy one's needs. Extraordinary conditions, urgent or urging demand and the opportunity that has incidentally been afforded may well lead to one attempting to satisfy his requirements against the interests of the society. Since exceptional conditions of this kind are in fact scarce and incidental, offences of this nature are also considered to be incidental.

As can be seen from the foregoing, the classification of offenders into categories earmarked as regular and incidental (or non-identifiable) groups corresponding to the offences (since the relevant categories reflect the essential characteristics of the personality's adjustment to the society) constitute a much more reliable basis for bringing an adequate verdict, for specifying corresponding criminal sanctions and for executing the punishment imposed than any other classification established to date — even if there is a margin of error inherent in the classification and accounting for a small percentage.

The method of classifying offenders according to categories of regular or incidental offences can also be applied in the event of offences committed out of carelessness not just to the intentional ones. Carelessness can be the characteristic and, for that matter, the necessity factor in the general behaviour, attitude and series of actions of an offender having committed an offence out of carelessness; but it might as well be an incidental factor as well. From the point of view of prevention varied criminal sanctions can be expected to bring favourable results. For an offender whose behaviour is, in general, characterized by a careful and considerate approach, consideration of the expected consequences of his actions special prevention does not call for any kind of punitive measure. In this case only the interests of special prevention might call for a kind of "mild" sanction or a sort of minimum recourse. But if carelessness is a necessary characteristic of an offender, in other words his attitude is characterized by continual carelessness, he has committed offences out of carelessness several times or it is merely incidental that he has not committed one or the latter is only ascribable to the careful approach of others, continued carelessness in the case of a person of this kind constitutes a constant danger situation with a definite measure of probability, that is to say he is, to a certain extent, dangerous to the society. In the case of people of this category only such measures of punishment can serve the purposes of special prevention successfully which are designed to teach the offender to be careful and make a habit of being careful. The only effective way in which this can be achieved is forced training or cure of the required duration, for neither a fine nor imprisonment for one or two months can be the answer to the problem.

If the above described train of thoughts is accepted it will become quite evident that in addition to classifying offences into categories of intentionality and those committed out of carelessness the fact whether committing an offence is of regular or incidental nature is the fundamental criterion or characteristic of the offender which must be born in mind above everything else in the course of taking a verdict and the subsequent execution of the punishment.

4. The Extent to Which an Offender is Dangerous to the Society

Acceptance of the antisocial attitude of the personality and of the fact that an offence is inevitable or bound to be committed makes it necessary to take a position on the issues of the extent to which an offender is dangerous to the society.¹¹

The Hungarian Criminal Code which is now in force uses the term of an offender dangerous to the society and rules that it is obligatory for the courts to consider this aspect. For example: "The person whose action and personality involve such a minimum danger for the society either at the moment the offence was committed or during the subsequent trial (because of a change in the circumstances) that even the mildest punishment applicable by the law proves unnecessary a warning shall be given even without imposing a punishment." (para 60). Or "while bearing in mind the objective of a punishment (para 34) it must be imposed within the frame specified by the law so that it shall be adjusted to the extent the offender is dangerous for the society, the seriousness of the offence, furthermore to the other aggravating or mitigating circumstances." (para 64). Perhaps in an effort to avoid any possible identification with the concept of the dangerous offender criminal law attaches the dangerousness for the society of an offender very closely to the dangerousness of the offence for the society by considering the latter as being the function of the former. The point is very well illustrated by the position taken on this issue by *Kádár* and *Kálmán* in their monograph „A büntetőjog általános tana” (The General Theory of Criminal Law). "At the moment of committing an offence the *person* (subject) revealing an attitude dangerous to the society always constitutes a danger to the society. It follows that the extent to which the offender is dangerous to the society is dependent on the extent to which the offence is dangerous to the society. Therefore there is *no* such case that an action would be dangerous to the society while the person (offender) committing it would not be dangerous to it. For this reason the extent to which an offender is dangerous to the society is not a criterion independent of the offence".¹³

The authors from whose work the above passage is taken lay primary emphasis on the fact that there is no such case that an offence (action) is dangerous to the society while the offender is not. This statement is quite true but the essence of the issue does not lie in the negation but in the fact whether or not anyone can be in a state dangerous to the society without having committed an offence and whether or not it is true that the extent to which the offender is dangerous to the society is merely the function of the extent to which the offence (action) is dangerous to the society.

In connection with the problem outlined above *Ödön Bodnár* makes it clear in his paper quoted earlier that a person who has not as yet committed an offence but in his personality and attitude the characteristics rendering the committing of an offence probable have already taken a definite shape can be in a state dangerous to the society "A person will not become an offender overnight but only as a result of his personality developing in the wrong direction. In the course of this process the bents (attitudes) for

activities constituting a danger to the society will take a definite shape. They are revealed, as a rule, in antisocial activities (the so-called dangerousness for the society but not falling in the sphere of criminal law) prior to the offence, but they are, for the time being, impossible to detect (as they lie concealed in the mind), or if they are noticeable, they are not dealt with by criminal law as they fall outside its range."¹⁴

This stage of a person's dangerousness for the society is, as a matter of fact, a pre-delinquent state which has been very courageously formulated in Hungarian literature on criminology by Andras Szabó¹⁵ and which has been under heavy fire on the part of several people.¹⁶

The possibility of a person being in a dangerous state even in the absence of an actual offence necessarily follows from our causality concept. Recognition of what is termed as pre-delinquent state may give rise to the idea in certain people that persons to whom it applies should perhaps be "prosecuted" by the means in the hands of criminal law, an approach which would be the flagrant violation of socialist lawfulness and would create a unique opportunity for taking arbitrary measures and abusing the law.

Naturally, sponsored by false logics conclusions of the above type and several other ones can be drawn and protection against them cannot be offered either by any of the legal provisions or positions taken on a theoretical basis, for there has been and will always be an opportunity to go astray and follow wrong tracks. A correct conclusion, however, cannot exceed the limits of the following points: a) the existence of pre-delinquent state has to be proved by facts and the tendency of necessity revealed by the offender must also be verified (they may include antisocial attitudes and statements of lesser significance, manifestations of the approach to labour and to the fellow human beings, and so on); b) adequate measures but not those of criminal law must be taken in order to end the dangerous state before it would lead to or assume the form of an offence.

The other stage of the dangerous state is when the dangerousness of the person having committed the offence does not end with the committing of the offence, the subsequent legal procedure or the execution of the punishment. This is the case in which we speak of the offender being in a state dangerous to the society. "On such occasions the attitudes of the offender which can be detected by the outside world reveal indications that the situation threatening the interests of the society protected by criminal law with danger continues to exist; the danger that a new offence will be committed still prevails. Thus a new dangerous situation emerges right after committing an offence.

This is detectable with the majority of multiple notorious recidivists. In this case the situation can be described as the *permanence of the person's dangerousness for the society* (specifically from the aspect of criminal law).¹⁷

It is hard to raise doubts as to the non-existence of offenders of the type described above. Quite the contrary: they are registered as "dangerous offenders"; moreover the competent authorities keep record of them and literally "expect" further offences to be committed by them. In the majority of cases they do not have to wait for long or in vain.

The fact whether the dangerousness of the offender for the society is actually a property or state of the offender is an issue relating to the concept rather than to the essence of the problem.¹⁸ In my opinion, there are cases in which the dangerousness for the society is no more than a state only. However, in the case of people with whom this state has been a prolonged one extending to several years or perhaps to decades, we are not far too wrong if we consider it a property because the point at issue is an essential and constant criterion of their attitude, adjustment or rather failure of adjustment to the society and their human nature.

From the prevalence of the dangerousness of certain offenders for the society the necessary conclusion must be drawn in the same way as from the existence or prevalence of the predelinquent state, especially in case this state or property continues to prevail even after the execution of the punishment. (Related questions will be considered in more detail later in the paper.)

5. The Motivating Influence of Requirements

According to the teachings of socialist psychology each human action is motivated by the endeavour to satisfy a certain demand, to meet a requirement, fulfil a wish or desire or achieve an objective. Since man can only exist in a reciprocal relationship with his environment, he is *in need of* the different objects in his environs and he also needs to mould and maintain his relations with his environment. The totality of the objects and conditions constitute the vital conditions of his existence. In other words, the needs constitute one part of the basis of every human attitude while the other part is made up of an environment suitable for meeting his requirements and the possibilities and conditions for satisfying these demands.

The history of the development of the human personality is closely related with the history of the development of its demands. It was his needs that forced man to create an increasingly perfect and versatile method for meeting his requirements in the course of productive activity and while labouring. At the same time, however, the related productive activity has brought about increasingly versatile, complex and sophisticated demands. As a result of the reciprocal influence between them human demands always correspond to the production standards of the existing society. Therefore, requirements are inseparable from man's biological and social existence and the level of the extent to which he is socialized. The needs of the man of today are a specific combination of biological and social demands. Although in respect of their content and intensity biological needs (related to the organs) are, as a rule, placed ahead of the social demands, at the present stage of the development of our society, especially in the case if people living under favourable economic (material) conditions the satisfaction of social requirements or the social nature of the fulfilment of these demands comes into prominence. Today even the satisfaction of biological needs assumes a social character. The production of material wealth and social progress are of a standard today in the majority of the countries in-

cluding Hungary that people's fundamental biological demands such as the one for food, homes to protect them against the weather and clothing can be satisfied continually as a result of man's daily labour. The ways and methods of satisfying the above biological demands is in the focus of human endeavours, for the kind of food, clothing, housing with which human biological needs can be met and the conditions under which they are satisfied are by no means matters of indifference. The related methods are formed or change constantly hand in hand with the development of the society. The forms and the whole system of the satisfaction of man's biological needs are very much interwoven by the thousands of the threads of cultural and other spiritual demands stemming from the social division of labour. The progress of production that goes with the growing abundance of wealth makes it increasingly possible for man to intensify his socialization, and side by side with this process the problem of satisfying social demands is coming increasingly into the picture.

The intensification and growth of man's socialization which is manifested in the development of the human race (in philogenesis) can be found to assume the same form in the development of an individual (ontogenesis) as well. A child is born as a biological being but it has such biological properties at the moment of its birth which potentially contain the operational characteristics of its ancestors' nervous system which were formed under the influence of social development. A child will become an increasingly sociable being only during its development and will only gradually acquire the knowledge (in the function of its age and education) which will have to be taken advantage of by the independent individual in the course of his adjustment to and cooperation with the society. In accordance with the biological development the features of philogenetic social development are recognizable in the social development of the individual which reveals similarities with *Haeckel's* biogenetic laws. With this parallel development born in mind it will become absolutely obvious that man's biological existence is merely the precondition and framework for his progress in a sociable direction. The extent to which one has become socialized, that is the extent, to which one has adjusted oneself to the society can be traced back to the objective conditions prevailing in the society.

As a sociable being man's most characteristic feature is that he acts consciously and satisfies his requirements consciously and not instinctively. Objective reality and the laws and necessity governing it are reflected and reproduced by man's mind in accordance with the state of his personality and depending on the knowledge he possesses. Man is capable of recognizing and taking stock of all the hampering (negative) and cooperating (positive) circumstances that exert an influence on the extent to which and on the way in which he can satisfy his demands. He takes a decision on questions relating to the satisfaction of his requirements and to the adjustment to the society on the basis of valuing and considering the hampering and cooperating factors.

Although the overwhelming majority of the individual demands arise from the prevailing society, they may well be conflicting with the social

requirements and social possibilities. To the individual social interest, social requirements and social possibilities assume the form of different legal provisions including those of criminal law. While the provisions of the law allow, on the one hand, a very broad range within the limits of which individual requirements can be satisfied in accordance with the quantity and quality of the labour performed within the scheme of the division of labour, they constitute a threat taking the form of punishment on the other hand for satisfying the demands in a manner that violates or is detrimental to the interests and requirements of the society as a whole. It is quite natural and even necessary for an individual to have certain demands that cannot be met under the prevailing social conditions in a manner afforded by the provisions of the law because the demands and needs exceed, as a rule, the available possibilities. The reason for carrying on productive activities and human creative labour is partly ascribable to the endeavour to create favourable conditions for the existing demands that are still to be satisfied.

In connection with the point outlined above the principal question of criminology is the following: why do people not abandon their bid for meeting needs or restrict the satisfaction of requirements that run counter to the standard social demands and the provisions of criminal law. Today, under the conditions of socialism it is very infrequent to occur that biological requirements cannot be satisfied in the simplest form within the legal framework provided and that certain people are forced to commit an offence in order to sustain their mere existence. *In general, people commit an offence because they want to satisfy their demands in a manner running counter to the provisions of the law;* in a manner offering them either more pleasure or they want their needs to be met so that it exceeds a certain limit or they endeavour to satisfy demands which cannot be met by the society or perhaps it does not want to fulfil them at all.

Some of the offenders belong to the category of people who cannot satisfy one or another of their real requirements within the limits of the legal framework and while performing work regularly and for this reason, or under the influence of a favourable, tempting opportunity or in the hope that no punishment will be imposed or perhaps even running the risk of a punishment they commit an offence. There is a comparatively small bunch of offenders who would be able to satisfy their demands partly or completely from the income they have to their credit by performing work regularly but they fail to do so because the habit of meeting their needs against the law has become not merely too frequent with them but actually a way of life.

What has been discussed so far may give the impression that the tracing back of committing an offence is confined merely to the satisfaction of a requirement or the acquisition of material benefits or goods or other advantages coinciding with them, and, for that matter, offences like an attempt on one's life, insult of an official person or rape seem difficult to fit in this pattern. Committing the above listed and many other types of offences do not possess a character associated with material benefits or are

not motivated by the endeavour to satisfy demands relating to material interests, but it is beyond any doubt that all of them are connected with the effort to meet one or another kind of the needs. A high percentage of violent crime is motivated by the idea of repression for real injury or what is believed to be a justified one. The endeavour to find compensation for an injury is a justified demand, but demands of this kind can be satisfied within a framework approved by the society and not only by taking the law in one's own hands. In the same way there are legal means of ending very sharp differences of opinion and conflicts between people in addition to physical or psychological compulsion or force. There are, of course, such violent offenders who find pleasure in violence itself, for it the satisfaction of some distorted psychological demand for them. Psychological needs (such as making a career in the society, the desire to stand out, achieve a certain measure of independence, belonging to other people, and so on) have a highly important role to play in man's life. Satisfaction of the needs of this kind under conditions specified and within a framework allowed by the society can exert a very favourable influence on the development of the society. At the same time, meeting these demands in a way different from the social demands or harmful and dangerous to the society can violate or threaten other people's rights, public order and public security.

There are psychologists maintaining that people tend to commit offences because of their inability to "tolerate" prolonged psychological tensions which can be brought about by the absence of material goods, anger, jealousy and sexual desire. Some of the people have an outspoken demand for brief spells of intensive tensions. They argue that a person capable of standing up favourable to prolonged periods of tension which are of negative emotional implications can adjust himself to the requirements of the society, and the one who cannot do so is obliged to find a sort of "outlet" to ease up his states of tension; this takes the form of committing an offence in the majority of cases.¹⁹ In the opinion of the advocates of the above view the members of the society, in particular those of the modern, well or over-organized society are expected and required to be able to live under continual and lasting tension, and there is comparatively little room or opportunity for a way of life involving brief but intensive spells of tension. Regular learning, performing work day after day and adjustment and adaptation ever so often to different rules and regulations is a way of life resulting in itself in a not particularly intensive but prolonged and continual psychological tension. And since the personality of offenders is quite primitive and infantile similar to that of the children, they likewise cannot bear lasting spells of tension, but they have a need for brief spells of psychological tension of high intensity and so they do everything in their power to end or get rid of the tension they feel intolerable. That is why the figures for alcoholics, drug addicts, parasites and the evaders of labour, people living outside the family bondage or in families with very loose ties and others are quite high among the offenders.

Acceptance of this concept means that the fundamental elements of criminology have to be revised in several respects. Because it is not the con-

sumption of enormous quantities of alcohol, a parasitic and opposed-to-labour way of life or shattered family relations, in other words the so-called criminogen factors that lead to committing offences, but the enumerated criminogen factors and committing offences can be traced back to the same source, namely to the inability tolerate prolonged psychological tensions and to the effort to satisfy one's need for brief spells of intensive tensions. To formulate it in simpler and more general terms it means that the antisociety or social attitudes can be traced back directly to the listed property and characteristic of the personality, and an antisocial personality is but an infantile personality that came to a standstill at too early a stage of its development.

We agree with the approach that the development of the personality of an offender lags behind general progression because in our own terminology we formulate this phenomenon by saying that criminals and offenders are, on the average, on a lower stage of socialization (the extent to which they have adjusted themselves to the society) than who are termed honest people. There is a fundamental identity of the content of the two approaches apart from the non-essential differences stemming from the specific forms of expression.

So far as the point of the inadequate toleration (inability to tolerate) of lasting psychological tensions as being the root of all antisocial phenomena is concerned I wish to make two comments. If this position or view is accepted completely, what is left to be concluded is the reasons lying behind the development of the offenders' personality coming to a stop in the infantile period and whether biological or social causes have the decisive role to play here. This concept would offer an excellent opportunity for the individual forecast or prevention because on the basis psychological, psychiatric or perhaps sociological examinations carried out in the early stages of adulthood it would be possible to draw conclusions as to the people lagging behind in terms of the development of their personality, tolerating quite inadequately prolonged tensions of a low level, or to use our terminology, the people who cannot or do not want to renounce the satisfaction of certain of their demands, who cannot or do not want to adapt or adjust themselves to the requirements of the society. And those belonging to this category should be subject to corrective pedagogical, or criminological pedagogical or perhaps psychological or psychiatric treatment, in any case some kind of special treatment as long as they have been made to be capable of tolerating prolonged psychological tensions of low intensity. Or in case this method is impossible to adapt or undesirable the social conditions should undergo a rearrangement process as a result of which brief and intensive spells of psychological tensions would become predominant at least for the individuals who make up the specific category.

On my part I am prepared to admit that a significant proportion of the criminals (in particular, the notorious recidivists) possess an inadequate ability to tolerate tensions, but I cannot accept it as constituting the basic cause of every sort of antisocial attitude. In my view this concept fails to provide for an appropriate status for the awareness, different knowledge and

views or the direction attitude of awareness which find expression in every form of deliberate or conscious human attitude. I am also prepared to admit that the connection between the criminogen factors and a criminal way of life is one of reciprocal relationship rather than a one-way contact and that the different actions by an individual react to the development of his own personality, but I consider the attempt to find an explanation to alcohol addiction, shattered family life or a parasitic, labour evasive way of life on the basis of the same psychological reasons which would be responsible for committing crimes, as an exaggeration of a different kind. In my judgement whether people adapt themselves to the requirements of the society or try to satisfy some of their demands in a way running against criminal law is dependent, first and foremost, on their attitudes, in other words on their awareness or on their personality, or shall I say, on the way on which the objective reality is reflected and reproduced in it, the extent to which people recognize that their own interests are part and parcel of those of the society and to which they adjust their own objectives and adapt their own endeavours to the requirements and possibilities of the society.

Provided man, a conscious being, has an essential normal nervous system and his hormonal functions are also operating normally, he will become aware of the position that he can or has already occupied in the structural setup of the society along with the expectable extent and way of meeting his own needs. For this reason he will develop or form ideas for the short or long run. He will draw up a short or long term life-plan and will act in line with it. As has already been mentioned people leading their lives as specified by their long term life-plan are unlikely to commit a criminal offence if their plan is not of criminogen content. The overwhelming majority of offenders are recruited from the ranks of people who fail to possess plans or ideas extending to several years or decades; instead they concentrate on satisfying the demands including the random ones that arise and, for that matter, lead a happy-go-lucky, *carpe diem* way of life. The reason for my recalling the ideas mentioned earlier is that I want to point out that whether the needs are met in a manner accepted by the society or running counter to criminal law (including the failure to tolerate psychological tensions) is dependent on the types of life-plans the people have and on the extent to which their individual future in their ideas or plans is linked with the demands and possibilities of the society. As we shall see later, this awareness is the function of the objective social and other environmental factors plus the biological ones.

6. The Rationality of Committing an Offence

Criminological research conducted to date has confirmed the conviction that each intentional action including criminal offence appears to the offender to be rational at the moment it is committed. Setting out from the fundamental point of psychology that to meet a demand, fulfil a wish or desire lie behind every human action, it is easy to understand that committ-

ing offence is also designed to serve the above listed objectives. An offender comes to the decision that directly or indirectly and the short or long run committing an offence will be appropriate to satisfy his current and concrete demand. This action may be conflicting with one or another of the offender's concrete interests, it may also be unsuitable for meeting the need constituting the basis of the interest in question because it is designed to satisfy another demand (momentarily) more essential for the offender. Intentional actions, therefore, seem to be rational and sensible at the moment of the relevant deliberation and when the offence is committed and as such they are suitable for satisfying current demands in a real or believed-to-be real form.

The rationality of committing an error lies in the psychological property of man that he is capable of anticipating and outlining in advance the events to take place in his mind on the basis of their repetition. Everyone tries to understand the world around him and to foresee what is to come and he tries to plan his future actions accordingly.

But in accordance with the state of their personality people are different from one another in respect of the ways in which they forecast and plan their future, of the events they set themselves to anticipate, or in respect of the methods and means by which the same anticipated events can be brought about and implemented. Therefore, external stimuli which are combined with the image of the future intentionality (are manifested in a kind of and in an attitude corresponding to the prevailing conditions. An explanation to the differences in the individual behaviours is not to be sought merely in the quality and intensity of the influence exerted by the prevailing objective conditions but also in the state of the personality, or more precisely, in the way in which the objective world is reflected in it which, in turn, serves as a basis of detecting the outlines of the future.

There is the future rational satisfaction of some sort of the offender's demand attached to committing the offence and this subjective rationality will either be justified or come to be denied, or will be partly justified or partly denied.

In case the offender realizes the irrationality of the offence (crime), he will refrain from committing similar actions in the future. As long as the offence committed by the offender is qualified as rational in his mind, he will consider committing similar actions suitable for satisfying his demand.

This value judgement concerning the relations between the demand and the related offence (crime) is a very essential one from the point of view of bringing the offender to trial. Starting out from the principle of causality the causality factors which have necessarily brought about the offence, that is laid the foundations for the rationality of the action to the offender, must be disclosed in the course of the legal proceedings. The point must be underlined very emphatically that *recognition and understanding of the action as being a necessary consequence does not mean approval of the action* because many people tend to identify them ever so often. The fact that an action is harmful to the society is not dependent on whether we understand or do

not understand the causality correlations that necessarily brought about the offence in question.

I would like to elaborate one more point here, namely the one that it is expedient to carry out the examination of the personality in two stages in the course of the legal proceedings. The first one is concerned with the time at which the offence was committed, a stage at which the relations between the personality and the offence are studied from the aspect of causality. This stage is actually the one designed to clarify the causality chain, the process of determination. The second stage is concerned with the period in which the offender is called to account for his action during which his personality is examined also from the aspect of the influence he has been subjected to during the phase that elapsed between the two stages. The related examination is performed first of all from the point of view of finding out the manner in which the offender values his offence. The offender's personality may well reveal substantial differences or even contradictory tendencies if the two stages of the examination are compared. It often occurs that a very favourable change takes place in the offender's personality between the two stages. But there are also examples on hand indicating that the advantages acquired through the offence continue to further deform the offender's personality. The relevant changes must be taken into consideration when formulating the punishment. When determining whether the action is regular or incidental the conclusion must be complemented with the valuation of the changes that have taken place in the opinion of the offender of his offence and in his personality in the course of the legal proceedings.

FOOTNOTES

¹ Sakharov, A. B.: Olitchnosty prestupnika i pritchinah prestupnostiy v SSSR, Moscow 1960.

² Vigh, József: Kauzalitás a kriminológiában (Casuality in Criminology), Jogtudományi Közlöny (Law Gazette), 1968 No. 11 and 12. The concept of anti-society attitude has been outlined, although in a so mewhat different interpretation, by Dr. László Viski in his work: A szándékosság és a társadalomra veszélyesség (Intentionality and Dangerousness for the Society). Közgazdasági és Jogi Könyvkiadó (Publishers of Books on Economics and Law), Budapest, 1959.

³ Fidanov, Dimiter: Sluchainiat prestupnik. Izvestia na Mezhdovedomstvenia Soviet za Kriminologicheskii Isledovanie. 2. Sofia, 1972.

⁴ Fidanov: op. cit. p. 69.

⁵ Fidanov takes this position in agreement with Kudriavtzev. op. cit. p. 75.

⁶ Karpec, I. I.: Problemi pritchinostiy, Yuridicheskaya Literatura. Moscow, 1969 from page 82.

⁷ See Buzov, Venci: Za ustanovkata i neinoto antiobshestveno proiavlennie. Izvestia na Mezhdovedomstvenia Soviet za Kriminologicheskii Isledovanie, 2. Sofia, 1972.

Dr. Kardos, Lajos: Általános pszichológia (General Psychology). Tankönyvkiadó (Textbook Publishing House), Budapest, 1964 pp. 223–228

⁸ See Vigh–Gönczöl–Kiss–Szabó: Erőszakos bűncselekmények és elkövetőik (Violent Offences and Those Committing Them). Közgazdasági és Jogi Könyvkiadó, Budapest, 1973.

⁹ Földvári and Vigh: Kriminológia (Criminology) Közgazdasági és Jogi Könyvkiadó (Publishers of Books on Economics and Law) Budapest, 1964.

¹⁰ *Leikina, N. S.*: Vlianie litechnostih osobenostei na prestupnost. Sovjetskoye gosudarstvo is pravo. 1967. No. 1. p. 103.

¹¹ *Fidamov*: op. cit. p. 93.

¹² The problem of personal dangerousness for the society is discussed and analysed in an excellent manner by dr. *Endre Bocz* in his Ph. D. thesis: A személyi társadalomveszélyesség a büntetőjogban (Personal Dangerousness for the Society in Criminal Law). Budapest, 1975.

¹³ *Dr. Kádár, Miklos and Dr. Kálmán, György*: A büntetőjog általános tanai (The General Theory of Criminal Law). Közgazdasági és Jogi Könyvkiadó, Budapest, 1966 pp 400.

¹⁴ *Dr. Bodnár, Ödön*: Gondolatok a személyi társadalomveszélyességéről (Thoughts of the Danger a Person Constitutes for the Society). Magyar Jog és Külföldi Jogi Szemle (Review of Hungarian Law and Foreign Legal Matters). 1972. No. 4. p 228.

¹⁵ See *Szabo, András*: A nevelő-átnevelő intézkedések és a büntető szankciók (Measures Taken for Education and Re-education and Sanctions). Jogtudományi Közlöny, 1966, No. 11.

¹⁶ *Dr. Lukács, Tibor*: Büntetőjogi szemléletünk alakulása (Development of the Hungarian Views on Criminal Law). Magyar Jog és Külföldi Jogi Szemle, 1970. No. 9.

¹⁷ *Bodnár*: op. cit.

¹⁸ See *Dr. Bocz, Endre*: A személyiség a kriminológiában és a büntetőjogban (The personality in Criminology and in Criminal Law). Belügyi Szemle (Review of Internal Affairs), 1971, No. 2 and *Bodnár*: op. cit.

¹⁹ See *Popper, Peter*: Kriminálpszichológia. Főiskolai jegyzet IV. és V. fejezet (Criminal Psychology. College textbook, Chapters 4 and 5). BM. Rendőrtiszti Főiskola. (Ministry of the Interior's Police Officers' Training College). 1973.

von

DIE HAUPTCHARAKTERZÜGE DER PERSÖNLICHKEIT DESTÄTERS, SEINE SUBJEKTIV KAUSALEN FAKTOREN

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(Zusammenfassung)

Die kriminologischen Forschungen bestätigen, daß man hinter einem jeden vorsätzlich verübten Verbrechen irgendeine gesellschaftswidrige, gesellschaftsschädliche Anschauung des Täters oder seine gesellschaftswidrige Bewußtseinsmentalität finden kann. Diese Anschauungen oder dieses Anschauungssystem werden subjektive Ursachen der Begehung genannt. Diese Charakterzüge der Persönlichkeit müssen nicht nur hinsichtlich der Kriminologie, sondern auch vom Standpunkt der strafrechtlichen Verantwortung, der Rechtsprechung eingehend studiert werden.

Ob das Verbrechen als gesetzmäßig, der Persönlichkeit und den früheren Taten adäquat oder als eine nicht von ihnen stammende zufällige Erscheinung zu betrachten ist, kann auf Grund der Hauptcharakterzüge der Persönlichkeit, der früheren Taten des Verbrechers festgestellt werden. Diese Feststellung kann die Urteilsfällung, die Qualität der notwendigen präventiven Maßnahmen wesentlich beeinflussen. Zwischen den zwei extremen Polen befindet sich eine breite Übergangszone, wo die tatproportionelle Strafe viel mehr in den Vordergrund treten kann.

Die Kategorien der gesetzmäßigen und zufälligen Begehungen können auch im Kreise der fahrlässigen Täter erkannt werden. Die Zugehörigkeit der Täter zu dieser oder jener Gruppe bedeutet gleichzeitig auch das Maß der Gesellschaftsgefährlichkeit des Täters.

Die Art und das Maß der Befriedigung der Bedürfnisse ist nicht nur die Folge der objektiven Möglichkeiten, sondern widerspiegelt in gewissem Maße auch die Persönlichkeit.

Es ist zwar eine Tatsache, daß die Persönlichkeit bei einem großen Teil der Täter hinter den allgemeinen Entwicklung zurückbleibt. Hinsichtlich der Kriminalität muß aber die Untersuchung der gesellschaftlichen Anpassung, der Entsprechung der gesellschaftlichen Anforderungen in den Vordergrund gestellt werden.

Auch nach dem logischen Überlegen scheint es evident zu sein, daß der Täter sein eigenes Verbrechen zur Zeit der Begehung für rationell, zur Befriedigung seiner Bedürfnisse für geeignet hält.

ОСНОВНЫЕ ХАРАКТЕРНЫЕ ЧЕРТЫ ЛИЧНОСТИ СОВЕРШИТЕЛЯ ФАКТОРЫ СУБЪЕКТИВНОЙ ПРИЧИННОСТИ

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(Резюме)

Криминологические исследования доказывают, что при каждом умышленно совершенном преступлении можно обнаружить те или иные общественно опасные взгляды совершителя, антиобщественное направление его сознания. Эти взгляды, или система взглядов называется субъективными причинами совершения. Необходимо тщательно изучать характеристику личности не только с точки зрения криминологии, но и со стороны привлечения к ответственности, наказания. По главным характеристическим чертам личности и предыдущим действиям совершителя можно установить, считается ли преступление закономерным и адекватным личности и предыдущим действиям, или случайным явлением, не вытекающим из них. Установление этого может существенно влиять на приговор и на необходимые меры превенции. Между двумя крайними полюсами находится широкая переходная зона, где применяется соразмерное действию наказание.

Категории закономерного и случайного совершения обнаруживаются и в кругу совершающих преступление по неосторожности. Мера общественной опасности совершителей характеризуется и тем, к какой группе относятся совершители.

Способ и мера удовлетворения потребностей зависит не только от объективных возможностей, но в определенной мере отражает и личность.

Факт, что личности некоторых совершителей не достигают среднего уровня развития, однако с точки зрения преступности нужно рассмотреть прежде всего не общего развития личности, а ее социализацию и приспособление к общественным требованиям.

На основе логического мышления кажется эвидентным, что совершитель во время совершения считает свое преступление рациональным, способным к удовлетворению потребностей.